

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

BARBARA ANN GAMBLE,	:	
Plaintiff,	:	
	:	
-vs-	:	Civil No. 3:02cv675 (PCD)
	:	
YALE NEW HAVEN HOSPITAL,	:	
PATIENT RELATION	:	
NEUROLOGIST UNIT,	:	
Defendant.	:	

RULING ON DEFENDANT’S MOTION TO DISMISS

Defendant moves to dismiss the present *pro se*¹ complaint pursuant to FED. R. CIV. P. 8(a) and 12(b)(1).² The motion is **granted**.

Defendant argues that the complaint does not meet the minimum requirements of FED. R. CIV. P. 8(a). The burden imposed on a plaintiff to allege sufficient detail to satisfy the requirements of notice pleading is not great. A complaint must contain “a short and plain statement of the claim showing that the pleader is entitled to relief.” FED. R. CIV. P. 8(a)(2). Pleadings must give fair notice of the claims alleged to afford the adverse party the opportunity to answer and prepare for trial. *Simmons v. Abruzzo*, 49 F.3d 83, 87 (2d Cir. 1995). Dismissal of a complaint is proper when it is “so confused, ambiguous, vague, or otherwise unintelligible that its true substance, if any, is well disguised.” *Salahuddin v. Cuomo*, 861 F.2d 40, 42 (2d Cir. 1988). Furthermore, “conclusory allegations or legal

¹ A *pro se* complaint is construed liberally as raising the strongest arguments suggested. See *Haines v. Kerner*, 404 U.S. 519, 520-21, 92 S. Ct. 594, 30 L. Ed. 2d 652 (1972); *Graham v. Henderson*, 89 F.3d 75, 79 (2d Cir. 1996).

² Plaintiff did not file a memorandum in opposition within twenty-one days. As such, the motion to dismiss is reviewed absent opposition. Defendant also moves to dismiss for failure to effect timely service of the complaint. As indicated in the April 17, 2003 scheduling order, any delay in service of process was not the fault of plaintiff and as such the complaint will not be dismissed for improper service.

conclusions masquerading as factual conclusions will not suffice to prevent a motion to dismiss.” *De Jesus v. Sears, Roebuck & Co., Inc.*, 87 F.3d 65, 70 (2d Cir. 1996) (internal quotation marks omitted).

Notwithstanding the liberal standard under which her *pro se* complaint is reviewed, plaintiff has failed to satisfy the minimum requirements of FED. R. CIV. P. 8(a). Her complaint is a recitation of black letter tort law bereft of any factual allegations from which defendant could reasonably be expected to fashion a response. The allegations could not even be characterized as conclusory because, other than the prayer for relief requesting “a finding of fact . . . of medical malpractice” against defendant, the three paragraph recitation of legal principles is not associated in any way with the actions of defendant.

Assuming *arguendo* this Court could overlook pleading deficiencies, it could not overlook the evident lack of jurisdiction. Plaintiff does not allege a jurisdictional basis for her complaint which, according to the details provided as to the address of the parties, involves two Connecticut residents. By all appearances, the complaint involves a state tort claim between private, non-diverse parties and, as such, this Court is without jurisdiction.

Defendant’s motions to dismiss (Doc. No. 14) is **granted**. The Clerk shall close the file.

SO ORDERED.

Dated at New Haven, Connecticut, July ___, 2003.

Peter C. Dorsey
United States District Judge

